COMMISSION ON
SECURITY AND COOPERATION IN EUROPE
CONGRESS OF THE UNITED STATES
WASHINGTON, D.C. 20515

STAFF REPORT
ON THE
HUMAN RIGHTS SITUATION IN TURKEY

Based on research and staff trip to Turkey by Commission Staff Director R. Spencer Oliver and Senior Staff Consultant Martin Sletzinger

October, 1982

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Foreword

Following is a report on the political and human rights situation in Turkey, prepared by the Commission's staff delegation which traveled to Turkey from August 22-29, 1982 as part of a fact-finding mission to several European countries in preparation for the Fall, 1982 session of the Madrid review meeting. In addition to discussions on the wide range of Helsinki-related issues, this staff delegation investigated allegations of human rights violations in Turkey which had been presented to the Commission by numerous Non-Governmental Organizations, Members of Congress and Parliamentary colleagues from Western Europe.

This report is based on extensive research done by the staff prior to the visit and on the findings and experience of the staff delegation while in Turkey. In publishing this report, the Commission would like to emphasize that the report is an expression of the views and opinions of the staff delegation and does not necessarily represent the views of the Commission or any of its individual members.

Comments or questions on the contents of this report are welcome. For this purpose please contact the Commission's Staff Director R. Spencer Oliver or Senior Staff Consultant Martin Sletzinger.

Sincerely,

Dante Fascell

DANTE B. FASCELL
Chairman

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Report of Commission Staff Delegation to Turkey

August 22-29, 1982

Introduction

Pressure for an Investigation

A staff-level fact-finding mission from the Commission on Security and Cooperation in Europe visited Turkey from August 22-29, for talks on the whole range of CSCE-related issues as part of Western preparations for the forthcoming session of the Madrid Meeting in November, 1982. In the course of these wider Madrid-related discussions, the staff delegation discussed human rights issues as well as the transition to democracy under the martial law authorities, with a wide-range of officials and private individuals, including lawyers, journalists, professors, former politicians, businessmen and representatives of various ethnic and religious minorities.

The staff-level delegation was able to meet with almost all of those with whom it requested appointments, with the notable exception of former Prime Minister Bulent Ecevit who began serving a prison sentence the day before the delegation arrived and, consequently, under Turkish law, was not permitted to meet with the delegation. The delegation was able to meet with the other former Prime Minister, Suleyman Demirel.

The staff-level fact-finding visit was the result of mounting concern in Congress and among a wide spectrum of non-governmental organizations as well as groups abroad with developments in Turkey since the takeover by the Turkish military on September 12, 1980. In the past several months, the Commission had been approached by representatives of several influential groups expressing misgivings over events in Turkey and requesting a hearing or an investigation by the Commission into these problems under the terms of the Helsinki Final Act. Among these groups were: the American Bar Association's Subcommittee on the Independence of Lawyers in Foreign Countries, the International Human Rights Law Group, Amnesty International, the New York Helsinki Watch Committee, the International League for Human Rights and the Armenian Assembly of America.

In addition to these public groups, members of Congress as well as parliamentary colleagues from several NATO countries expressed their concern with conditions in Turkey and urged that the Commission undertake an investigation into these problems from the vantage point of the Helsinki Final Act. The Chairman of the Subcommittee on Human Rights and International Organizations of the House Foreign Affairs Committee, Rep. Don Bonker. requested the Commission to hold joint hearings with his Subcommittee on violations of human rights in Turkey.

Concern over events in Turkey has been high in Western Europe. At the Council of Europe in Strasbourg, five Western countries, France, Netherlands, Sweden, Norway and Denmark have petitioned that the violations of human rights in Turkey be brought before the Council's European Commission for Human Rights. In addition, a delegation from the Bundestag of the Federal Republic of Germany visited Turkey last year on its own fact-finding mission.

Turkey has also come under fire in the CSCE forum for its recent human rights record. At the last completed phase of the Madrid Meeting held from February-March, 1982, certain neutral and non-aligned countries and several Eastern bloc members alluded to the situation in Turkey in the context of discussions on the martial law regime in Poland. It is expected that at the next phase of Madrid commencing this November, the East will respond to Western condemnations of the continuing crackdown in Poland with references to Turkey, perhaps, this time more explicitly. Certain NATO and Neutral Non-aligned countries may also be moved to allude to the situation in Turkey if no improvements are made by November.

The Military Takeover of September, 1980

To determine why Turkey has become the object of such widespread international concern, an analysis of the events leading to the military takeover in September, 1980 and its aftermath, is imperative. By virtually all accounts, Turkey by 1980 was on the verge of political collapse and chaos. A stalemate between the two major political parties, the Republican People's Party (RPP) under Bulent Ecevit and the Justice Party under Suleyman Demirel had rendered Parliament incapable of electing a stable coalition government as Ecevit and Demirel replaced each other as Prime Minister but were unable to govern effectively. This political paralysis led to an increasing polarization between the extreme left and right and was accompanied by a wave of terrorist killings, reaching the level of more than 20 per day by the late summer of 1980. Schools and universities virtually ceased to function as they became the focal point of terrorist activities. Journalists, politicians, businessmen and members of the judiciary, together with their families were under constant threat, from either left or right wing terrorists. In an effort to deal with the increasing anarchy, both Ecevit and Demirel imposed martial law a total of 10 times prior to September, 1980 extending the area under martial law control to most parts of the country. These measures, however, proved ineffective in dealing with the situation.

On September 12, 1980, the military seized control of the government and imposed martial law throughout the country. All political activity was suspended, political parties were banned, and their leaders either imprisoned or put under house arrest. Parliament was disbanded and all political authority was placed in the hands of a newly-formed National Security Council (NSC) consisting of the chiefs of the various military services and headed by General Kenan Evren. The ruling group of generals, consistent with practice in previous military coups in Turkey, immediately declared its intention to work for a return to parliamentary democracy, but only after the causes of the political chaos and instability of the 1970's had been eradicated.

After seizing power, the military regime announced that it had unearthed strong evidence that terrorism in Turkey coming from both ends of the political spectrum had been supported to a large extent through arms and money coming from external sources, strongly implicating Bulgaria and the Soviet Union. The martial law authorities claimed that the number of arms which had been either voluntarily relinquished or confiscated totaled more than 800,000 including rocket launchers, anti-aircraft weapons and mortars. The total amount said to have been expended by the Soviet Union and its allies in their efforts to destabilize Turkey exceeds a billion dollars. In addition, the authorities called attention to clandestine radio stations operating primarily in Bulgaria, which continue to broadcast inflammatory material about Turkey encouraging violence and political turmoil.

The Effects of Two Years of Martial Law

Today, two years since the military coup d'etat, the NSC and General Evren are still in power. The military authorities have announced and are implementing a timetable for the return to democracy and free elections. A new draft constitution is being publicly debated with a referendum planned for early November, and elections are set for either late 1983 or early 1984.

There are many in Turkey who support what the martial law authorities have done and believe they will be true to the established schedule for a return to civilian rule. The Reagan Administration has been one of the strongest supporters of the military regime since they took power two years ago. The U.S. in contrast to several of its NATO allies has praised the "law and order achievements of martial law rule" pointing to dramatic progress in eliminating terrorism and in restoring stability to Turkey's weak economy. Visiting Turkey in May of this year, then Secretary of State Haig expressed his happiness to witness "the miraculous turnaround which has occurred in Turkey" and characterized Turkey as an "irreplaceable strategic asset, not only for NATO, but for the whole Western world." Nevertheless, the lengthy duration of rule by the martial law authorities, the

rather repressive nature of certain aspects of its rule and the restrictive nature of several key provisions of the draft constitution have evoked concern and dismay among many observers in Turkey and abroad.

Most of the individuals the staff delegation spoke with in Turkey agreed that the martial law takeover in September, 1980 was a necessary step to end the political chaos and terrorism which had been paralyzing Turkey for years. Government spokesmen claimed that no new repressive legislation had been introduced by the military authorities and that their actions are consistent with the penal code and the martial law already in effect in several provinces of Turkey prior to September, 1980. Beyond this initial support for the goals of the military coup, however, views diverged considerably as to the utility and advisability of the continuation of martial law and the course Turkey should follow in the future. Several private individuals, including journalists, teachers and lawyers, felt strongly that the mass arrests and prolonged suspension of normal political activity under martial law would ultimately evoke more of the kind of political terrorism and instability which the martial law authorities had hoped to eliminate by seizing power. Others interviewed felt that while martial law was necessary and the suspension of certain basic human rights a necessary evil under the circumstances, the military rulers had been too repressive, particularly in their treatment of left-wing trade unionists (52 leaders of the leftist DISK, the second-largest trade union in Turkey, are still facing the death penalty in a lengthy trial in Istanbul) and members of leftist-oriented political groups, including some from former Prime Minister Ecevit's own party, the RPP.

Others disagreed with these assessments, maintaining that the continuation of martial law was necesssary given the severe schisms and problems facing Turkey. Most of those holding this view were businessmen, although some journalists and professors shared this feeling at least to the extent that the return to democracy should necessarily be a slow, careful process.

The Draft Constitution

During the week it spent in Turkey, the staff delegation found that the major topic of political discussion was the new draft constitution which the Consultative Assembly, an appointed body, submitted for public debate on July 17, 1982. The draft, which will be subjected to debate and revisions by the Assembly and then by the ruling National Security Council before it is submitted to a nationwide referendum for final approval, was in the process of being publicly debated, the first such public political debates permitted since the military takeover in September, 1980. It should be pointed out, however, that former leaders like Ecevit and Demirel are not allowed to participate in this debate and the debate, like all public pronouncements, precludes any criticism of martial law or the present regime.

Concern about one or another key provision of the draft constitution was expressed by nearly all of those with whom the staff delegation met. There seemed to be a widespread belief that the draft constitution was too restrictive and that it placed too many limitations on basic political rights, including the powers of the Parliament. Officials attempted to explain these limitations by noting that the excessively liberal and open constitution of 1961 (adopted after a previous military coup) was largely responsible for the political instability and chaos of the late 1970's, because its tolerance of small, radical parties on both the left and the right resulted in the complete paralysis of Parliament and the political system, and also because it had not placed enough power in the hands of the President.

The primary criticism of the new draft was the charge that the new constitution gave excessive powers to the new Presidency and the executive branch in general, which, under present political circumstances could result in the continuation of the rule of the military generals without the facade of martial law. Other concerns focused on the severe restrictions placed on trade unions, particularly the ban on their political activity. Several observers expressed dismay that the limitations on parliamentary democracy inherent in the draft constitution could result in the emasculation of the left-of-center parties, including Ecevit's RPP, thereby creating a political void on the left which in the future could serve as the crucible for further political violence and dissatisfaction.

Part II: The Political Situation in Turkey

Two years of martial law rule in Turkey has, by general consensus, ended the reign of political terror and violence which had enveloped the country. Daily life again is functioning normally, the universities are open and peaceful, people feel safe to walk the streets and the economy, while remaining precarious, has improved noticeably.

Unfortunately, the methods of the martial law authorities and certain of their rather repressive policies have resulted in human rights violations on a wide scale. These violations, as pointed out in the introduction, have become a source of deep concern and distress to several of the governments and parliaments of Western Europe as well as to influential human rights and other activist groups based both in the U.S. and abroad. Concern has been focused on several issues: political prisoners, the use of torture, the treatment of ethnic and religious minorities, the trials of left-wing trade unionists and members of the Turkish Peace Committee, the rights of lawyers and delays in the schedule of return to civilian rule. There are other problems as well. Although official censorship is not imposed, it is obvious that more subtle forms of control over the press are exercised by the military authorities. The autonomy of the universities has been undermined by a new law governing the appointment of rectors and other university officials which gives the government effective control over university administration and faculty.

Political Prisoners

Estimates of the number of political prisoners in Turkish jails since the military takeover have varied from 30,000 to 100,000. In November, 1981, the Turkish authorities admitted that there were nearly 30,000 "political extremists" in prison, while Amnesty International has placed the figure at not less than 60,000. This month, the government issued updated statistics demonstrating that by the end of July, 1982, "only" 18,184 persons were being held on politically-related offenses. The authorities, in announcing the statistics, admitted that those detained included nine former members of Parliament and 235 trade unionists. The large majority of those still in jail are characterized by the regime as leftists or leftist sympathizers. Official figures also revealed that 29,070 people had been tried in martial law courts in the past two years. Of that number, 25,473 have been "punished" in one form or another, including 12,597 designated as "leftists" and 3,527 as "rightists."

Several prominent politicians have been arrested and charged with violations of martial law strictures. Former Prime Minister Bulent Ecevit has been imprisoned three times for short periods by the military authorities for violating martial law decrees which forbid former political leaders from making comments on political and social conditions in Turkey. Most recently he began serving a

34 to 88 day sentence the day before the staff delegation arrived in Turkey (August 21) because of statements he made to Dutch TV and in an article published in Der Spiegel. His lawyers have claimed and reiterated to the staff delegation that there is absolutely nothing in either of these statements which violates the martial law ban on "political" statements by former leaders. In its meetings with Turkish officials, the staff delegation urged the release of Mr. Ecevit citing that in the U.S. nothing symbolized the repressive and less savory aspects of martial law rule more than the various imprisonments of Ecevit. Repeated requests by the staff delegation to meet with Ecevit in prison went unanswered.

Ahmet Isvan, the former mayor of Istanbul, has been indicted as the 53rd defendant in the trial of former leaders of the left-wing DISK trade union, and faces a sentence of six to 16 years, after having already spent 16 months in pre-trial detention. As the mayor of Istanbul in 1977, he is being charged with having responsibility for the numerous deaths resulting from rioting which occurred during a May Day rally in which he and the DISK trade unions -- with whom he had close ties -- played an active role. Isvan's position as mayor necessitated a close working relationship with DISK since this union represented 12,000 municipal workers in Istanbul. It is noteworthy that Isvan alone among the officials in attendance at this rally is being charged for his role in the tragic events which took place. It has been alleged that Isvan has received harsh treatment in prison including threats against his family and various other forms of psychological torture.

Orhan Apaydin, the former Chairman of the Istanbul Bar Association, who was acting as the chief counsel in the trial of the 52 DISK trade unionists was arrested in February, 1982 for his role in the Turkish Peace Committee, which the authorities labelled, perhaps accurately, a communist front organization. Membership in the communist party is illegal under both the suspended constitution and martial law. It has been alleged that at least part of the reason for Apaydin's arrest was his vigorous defense of DISK. In his capacity as Chief Counsel in the DISK trial, he raised several objections to trial procedures being used and asserted that a fair trial was not possible under the circumstances. It is claimed that he was threatened with arrest if he did not desist from his vigorous defense, a threat which, if true, has been carried out.

Allegations of Torture

Prior to its departure, the staff delegation received numerous reports alleging the use of torture in Turkish jails. Amnesty International, while unable to verify all reports, has listed the names of 85 individuals reported to have died in custody. In its September, 1982 report, the Turkish authorities acknowledged that they had received 368 complaints of torture committed by security forces since the military takeover, and claimed that they had undertaken investigations in 191 of these cases, with the result that nine persons had been convicted of illegal use of torture and 16 acquitted.

It is apparent that international expression of concern regarding the use of torture in Turkey have brought about a marked improvement in the situation. It appears, however, that torture was widespread and even officially sanctioned in the early days of martial law rule. The Turkish authorities and certain private citizens as well, told the staff delegation that the problem of torture in Turkey is not new, that it has existed for years, even during the Ecevit and Demirel eras. They emphasized that this martial law leadership under General Evren was actually the first Turkish ruling group to acknowledge that torture exists in Turkish jails and to begin investigations into the problem. It was pointed out by many people, both official and private, that torture in Turkey was not employed systematically by the martial law authorities but was more a matter of local authorities acting overzealously or of individual members of the politicized police forces at the local and regional level exacting personal or political vengeance on their political enemies.

Others with whom the staff delegation spoke were not satisfied with the nature of the investigations into allegations of torture undertaken by the authorities. They felt much more could be done to eradicate the problem. Others gave evidence of what they claimed was the continuing use of torture. There were claims that the defendants at the DISK trial have been severely tortured for a lengthy period and that those who have not been submitted to physical torture have been psychologically tortured. It was reported to the staff delegation that all the defendants in the DISK trial have filed petitions claiming they were tortured, but that the court now claims these documents have been lost.

Mass Trials and the Rights of Lawyers

Two mass trials are still underway in Turkey: the trial of 52 leaders of the leftist trade union DISK (with the former mayor of Istanbul as the 53rd defendant) and the trial of members of the Turkish Peace Committee.

The DISK trade union, until its dissolution under martial law, was the second largest trade union in Turkey after Turk-Is. Its leaders and 2,000 of its members were arrested in September, 1980 immediately after the military takeover. While the martial law authorities have released most of those originally arrested, they continue to claim that many DISK activists engaged in terrorist activities prior to September, 1980. The 52 DISK defendants are on trial because of their prominent role in the May Day, 1977 demonstration and its bloody aftermath. For this they face the death penalty. It is claimed that there are still over one hundred DISK members who have been in prison for two years and have yet to be interrogated by the prosecutor. The staff delegation learned that DISK's lawyers have not been able to adequately defend their clients. They can see them only twice a week for twenty minutes at a time under very restrictive circumstances, with barriers and guards in attendance, and even these meetings are immediately ended if any questions about the use of torture are asked.

Officials and others with whom the delegation spoke claimed that DISK is, in reality, controlled by the communist party. They charge that DISK was deliberatly involved in general strikes which were politically motivated. Certain businessmen have reported that in collective bargaining sessions with DISK union representatives, they were told that the union had no intention of reaching agreement, only in prolonging strikes and causing economic dislocation. Others, while rejecting the claim that DISK was communist-dominated, disassociated themselves from the union, its methods and goals. In fact, the staff delegation was provided with a report of the seventh conference of DISK held in June, 1980 which is full of the sort of standard communist phraseology and anti-imperialist diatribes which are common-place in the Soviet lexicon.

The other major trial involves a group of intellectuals associated with the Turkish Peace Committee, who are being charged with communist sympathies since the authorities consider the Peace Committee to be linked with the Moscow-dominated World Peace Council. Those involved in the trial in addition to the lawyer Orhan Apaydin include former Ambassador Mahmut Dikerdem, the chairman of the committee and Ali Sirmen, a columnist for a prominent newspaper, Cumhuriyet. The staff delegation was told that at the trial the defendants were asked if they spoke at various Peace Committee functions as if to speak publicly at such meetings were in itself a crime. In addition, the delegation was informed that the trial was being conducted chaotically, with different judges for nearly every session.

The staff delegation was also informed that lawyers defending former Prime Minister Bulent Ecevit have encountered difficulties in adequately representing their client. While not personally subjected to any pressures, the psychological constraints on them are said to be enormous. In the most recent trial of Ecevit, they reportedly prepared and submitted a 40-page defense brief, only to have the court deliver its decision three minutes later, having given scant, if any, regard to the arguments of the defense. His lawyers may visit Ecevit in prison once a week for about an hour, but only in the presence of an official prosecutor.

Another problem is that since February, 1982, sentences of under six months cannot be subject to appeal. Also, there is currently a 45-day period of detention after arrest (originally 90 days, but reduced to 45 in September, 1981) during which people can be held without charges and denied access to their lawyers.

Rights of Religious and Ethnic Minorities

The staff delegation met with representatives of the Greek, Armenian and Jewish minorities in Istanbul. On the whole, it gained the impression that the rights and interests of these minorities were being respected by the Turkish authorities and that, if anything, the situation might have improved slightly since the imposition of martial law. The Greek and Jewish representatives emphasized that they felt more secure under martial law than they had before. The Greek representatives stressed that the Greek community in Istanbul and the Greek Orthodox Patriarchate, contrary to allegations made in the World Council of Churches' recent report (June, 1982), had no concrete problems. Certain minor administrative and financial problems still remain, particularly involving permission for church restoration, but these were expected to be resolved in due course.

Representatives of all the religious groups maintained that their communities enjoyed full freedom to practice their religion. The Greeks and the Jews stressed there was no official discrimination against them, with representatives of the Jewish community emphasizing that they enjoyed full human rights. These Jewish leaders insisted that contrary to press reports in the U.S. and Western Europe, no pressure had been brought to bear on the Jewish community as a result of the recent genocide seminar held in Israel. Papers by Armenian scholars had been submitted to this seminar, equating Turkish actions against Armenians in 1915 with genocide.

Reports sent to the Commission by various groups on the situation of the Armenian minority in Turkey painted a very bleak picture of the problems encountered by Armenians in general and the Armenian Church in particular. The staff delegation received mixed impressions of the problems of the Armenians from its visit to Turkey. It appears that the Armenians have no difficulty in

conducting their own religion or in pursuing their daily lives. The Armenians, like the Jews, have been very successful in the Turkish business community and live, on the whole, quite comfortably. Their primary problems continue to be communal and educational and have existed long before the imposition of martial law in September, 1980.

The assassination of numerous Turkish diplomats by Armenian terrorist groups has caused some difficulties for the small Armenian minority in Turkey, despite every effort of Turkish Armenians to disassociate themselves from these acts of terrorism. Historical enmity between the Armenians and the Turks has resulted in several discriminatory actions by the Turkish authorities against Armenians. The authorities attempt to discourage Armenian parents from sending children to Armenian schools and continue to exert pressure on the few remaining Armenian schools in existence. Government policy appears to be aimed at limiting the number of effective teachers of Armenian with the result that there are already shortages of young, well-trained teachers of Armenian. In a few years it is feared, older teachers will retire and there won't be enough younger ones to replace them. In a related problem, the staff delegation learned that the authorities are now taking children out of Armenian schools, claiming that they are not really Armenians. Church documents and even birth certificates proving Armenian heritage have not been sufficient proof for the authorities. A final problem has been the insistence of the authorities that they have final approval over the appointment of administrators of Armenian churches. The Armenian Church hierarchy elected its own church administrators in May, 1982 and as of September, none had yet been approved by the Turkish authorities.

One pressing problem with explosive long-term implications for the Turkish authorities is the status of the sizable Kurdish minority in Eastern Turkey. The Turkish government has refused, long before the martial law generals took over, to acknowledge the existence of the Kurds as a separate ethnic group. No public reference to the Kurds as a group has been permitted and the teaching of their language and culture has been banned. In several of its discussions, including those with private individuals, the staff delegation was told that all recent Turkish governments have viewed the Kurdish problem as a cultural and administrative problem, not an ethnic or political one. It was pointed out that Kurds are becoming assimilated into Turkish society and marrying into Turkish families. They have been migrating to the larger urban centers, especially Ankara and Istanbul. Nevertheless, they are still heavily concentrated in the Eastern part of Turkey which is still very poor and backward, and this geographic, economic and ethnic separation from the mainstream of Turkish life still leads to problems and will create further problems in the future.

Part III: The Draft Constitution and the Return to Democracy

Attention in Turkey is now focused on the new draft constitution formulated by the Consultative Assembly's Constitutional Committee and submitted to the Assembly itself on July 17, 1982. While the staff delegation was in Turkey, the provisions of the draft constitution were being subjected to public debate and to debate and revision by the Assembly as a whole. For this purpose, various martial law prohibitions on public discussion of political issues had been lifted (except for certain high-level former officials such as former Prime Ministers Ecevit and Demirel). After revision by the Consultative Assembly, the draft will be submitted to the ruling National Security Council under General Evren and to a national referendum on November 7, 1982.

Assessments of the draft constitution among non-official Turks with whom the staff delegation met were generally negative. Particular concern was expressed about the enhanced power of the Presidency and the executive branch in general at the expense of the Parliament, about restrictions on the activities of the trade unions and other restrictions dealing with qualifications for holding office and freedom of expression.

Turkish officials, in general, were defensive in discussing the draft constitution. They pointed out that many of the draft provisions were likely to be changed in later phases of the process of revision, particularly those dealing with the trade unions. They stressed that the enhanced power of the Presidency was necessary to avoid the political instability caused by the more liberal constitution of 1961. These officials all assured the staff delegation that the martial law authorities were committed to a return to democracy, as soon as possible, as had been the tradition with previous military interventions. As proof, they pointed to the national referendum on the constitution planned for November 7 and the projected free elections scheduled for either late 1983 or early 1984. Several private citizens, however, expressed doubts that the martial law authorities intended to keep to this time-table, noting that martial law had already been in effect for a longer period than originally envisaged and that the original time-frame for the return of free elections had been repeatedly revised.

The Presidency and the Executive

To date, the debate in the Consultative Assembly on the draft constitution has not significantly altered the original provisions calling for a powerful Presidency and executive branch. The President will serve a one-time 7-year term and preside over an executive branch machinery that includes the Council of Ministers and a National Security Council. This body, will have a wider

composition than the current martial law National Security Council and will consist of the President of the Parliament (Grand National Assembly), the Prime Minister, the Ministers of Defense, Interior and Foreign Affairs, in addition to the commanders of the armed forces. The decisions of this Council will be reported to the Council of Ministers and must be adhered to by that body. In the original draft of the constitution, provision was made for another body, a State Advisory Council, to "advise" the President but this was deleted in September after extensive debate in the Consultative Assembly, most likely in response to the misgivings and the criticisms of those who argued the constitution was much too heavily weighted towards the executive.

Behind the criticisms of these constitutional formulations is the fear that with a strong President (most likely to be General Evren) and a very influential National Security Council with substantial military representation, the new constitution could very well serve to legitimize the continued rule of the martial law generals after the nominal return to civilian rule. Critics of the draft constitution have observed that the powers of the Parliament will be more circumscribed than ever before and note that various regulations and restrictions on the nature of future political parties could lead to a void on the left of the political spectrum, particularly if Ecevit's Republican People's Party -- as expected -- does not return to its former prominence.

Another problem which has troubled critics is the continuing ban on free political expression aimed primarily at former political leaders, notably Ecevit and Demirel. Although not so stated explicitly in the draft constitution, both men will be prevented from taking active part in Turkish politics for seven years after the return to civilian rule. This restriction coupled with current restrictions on their ability to make public pronouncements on political events leave the strong impression that free political expression in post-martial law Turkey might well be illusory or at least significantly circumscribed. Defenders of this policy observe that since the deep personal and political animosities between Ecevit and Demirel were a prime determinant of the political instability which marked the pre-martial law era, it will be necessary to continue to muzzle them in the future in order to prevent old feuds and diversions from once again rending Turkish political life.

The Trade Unions

Considerable concern was expressed about the treatment of trade unions in the draft constitution. Article 56 declares that trade unions cannot "engage in political activities and cannot receive support from, nor can they support, political parties." All labor union officials with whom the staff delegation met voiced their displeasure with this prohibition and indicated their intention to work for revision or deletion of the offending provisions. Most expected that this prohibition on political

activity which, of course, would particularly hurt left-of-center parties, would be watered down or eliminated on the final draft of the constitution. Even Turkish officials with whom the staff delegation raised this issue were reticent to defend the prohibition and also expressed optimism that in subsequent drafts the limitations on trade union activity would be dropped.

Officials of the Turk-Is labor federation, the largest in Turkey, have prepared a booklet detailing the union's objections to the restrictions on trade union activity in the draft constitution. Turk-Is also issues a bulletin two times a week reminding its membership and other interested readers that certain provisions of the draft constitution are not conducive to a healthy democracy. Although Turk-Is has still not made any formal political statements on the draft, it intends to do so, particularly if the relevant provisions are not revised.

Conclusions and Recommendations

Nearly all the individuals with whom the staff delegation met in Turkey were in general agreement that the military takeover in September, 1980 was a positive development at the time. It ended several years of domestic political strife and violence which had left the country on the verge of chaos and disintegration. Only a very small percentage believed that the military takeover was unnecessary or counter-productive.

Despite this generally positive view of the martial law takeover, views diverged considerably, among private individuals, on what has transpired in Turkey since September, 1980. Some felt that for all its excesses and problems martial law rule was still performing a valuable function. Others felt that the military government had outlived its usefulness and that it was time to return to real democracy. Still others felt strongly that the human rights violations and the general repression of martial law rule had obliterated many of the benefits which the military takeover originally produced. Some questioned how the U.S. and particularly the U.S. Congress could support a regime which had suspended all democratic institutions and freedoms including the Parliament. Why, they asked, had it taken nearly two years for the U.S. Congress to become concerned with developments in Turkey, despite the suspension of democratic institutions during this time.

There is no doubt that there are substantial violations of human rights taking place in Turkey. However, the question remains to what extent these are necessary or justifiable given the degree of chaos and instability which has threatened Turkey. The staff delegation, on the basis of its findings, must conclude that the nature of the current domestic crisis does not justify the scope and severity of certain of the actions of the

martial law authorities. Despite the fact that there are significant violations in terms of Helsinki commitments to respect basic human rights and freedoms, it should be noted that the military rulers have also made significant progress in their efforts to return Turkey to political and social stability.

It appears that, as promised, the Turkish military rulers are adhering to their timetable for the return of democracy and civilian rule. Unfortunately, the draft constitution which will form the basis for this transformation is seriously lacking in many vital areas. Unless key provisions are changed, the new constitution will likely produce a more restrictive and less democratic society than many in Turkey and abroad would find desirable. However, we should bear in mind that given Turkey's past history of instability, perhaps a stronger executive branch and parliamentary controls on the proliferation of fringe political parties is imperative to avoid the failures of democracy in the past. The Turkish people will have the opportunity to demonstrate their preference when the draft constitution finally is submitted to a national referendum on November 7. It should be noted, however, that the ban on political parties and the absence of participation by former leading political figures in the debate make it unlikely that any real opposition to the draft constitution, whatever it contains, can be effective.

The political situation in Turkey today is very complex. It resists easy solutions and compartmentalization. Certainly from a strictly human rights perspective, improvements are drastically needed. Yet, these shortcomings must be weighed against the severity of the problems and schisms confronting modern Turkish society. With the return of civilian rule imminent, it is to be hoped that most, if not all, of the unsavory aspects of martial law will disappear and Turkey will resume its efforts to build effective enduring democratic institutions.

If, unfortunately, it turns out as many fear, that the return to civilian rule will, in reality, be merely the continuation of the rule of the military under a constitutional guise and the continuation of their repressive policies and human rights violations, then it is clear that concern should be registered vocally, forcefully and officially. Given the large amounts of economic and military assistance which the U.S. government renders to Turkey, it might be advisable that Congress should give some consideration to improvements in the human situation when reviewing future requests for economic and military aid.

As was vividly pointed out to the staff delegation on several occasions, Turkey's ties to the West must not rest solely on shared security interests. We must also share common goals, and social and political values. A repressive Turkey, based on weak democratic principles and institutions will not, in the long run, be the effective eastern bastion of the NATO alliance which we all hope it to be. Turkey, to be a truly effective and stable alliance partner, will need to end its repressive measures and return to the rule of law which is the only real safeguard of democracy and liberty, two of the most important principles linking Turkey to its NATO allies.